

05/27/04

Docket No.

101792-300

CPA
1627

*CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date May 26, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. EL 897897642 US to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dale Lynn Carlson

Printed Name of Person Mailing Paper

Signature of Person Mailing Paper



CONTINUED PROSECUTION APPLICATION (CPA)
UNDER 37 CFR §1.53(d)(1)

Mail Stop CPA
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

1. This is a request for filing a:

- ☒ continuation
☐ divisional

continued prosecution application under 37 CFR §1.53(d) of prior application number 09/120,664, filed on July 22, 1998, entitled Composite Biocidal Particles.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes.

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application.

2. With respect to the above-identified prior nonprovisional application, this continued prosecution application is being filed:

- A. ☒ before the earliest of the:
- ☐ termination of the proceedings on the prior application.
 - ☐ payment of the issue fee on the prior application.
 - ☒ abandonment of the prior application.

OR

- B. ☐ after the payment of the issue fee – but a petition under §1.313(b)(5) has been granted in the prior application.

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OR

C. The term for response or taking action in the prior application expires on .

- ☐ An extension of time in the prior application is:
- ☐ filed concurrently in the prior application.
- ☐ has been filed on .

3. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application.
- Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122, to the extent that any member of the public, who is entitled under the provisions of §1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 CFR §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.
- Filing of this request is the specific reference required by 35 U.S.C. §120 to every application assigned the application number identified by this request. No amendment in this application may delete this specific reference to any prior application.

4. This continued prosecution application names as inventors:

- ☒ the same inventors named in the prior application on the date this continued prosecution application is being filed.
- ☐ fewer than all of the inventors in the prior application.
- ☐ Please delete the following name(s) as inventors, who are not inventor(s) of the invention being claimed in this new application: .
- ☐ more than all of the inventors in the prior application.
- ☐ Please add the following name(s) as inventors: .
- ☐ A petition under §1.48 is attached.

5. Additional Papers Enclosed

- ☒ Return Receipt Postcard
☐ Information Disclosure Statement
☐ Form PTO-1449
☐ Copies of Cited Art
☒ Other: Preliminary Amendment

6. Amendments

- ☐ Enter the amendment previously filed on _____ under 37 CFR §1.116 but unentered, in the prior application.
- ☐ A preliminary amendment is enclosed.
- ☒ Amend the specification by inserting before the first line:
- ☒ the heading:--CROSS REFERENCE TO RELATED APPLICATIONS--
- ☒ the sentence: --This application is a ☐ continuation-in part ☒ continuation ☐ divisional of application Serial No. 09/120,664, filed July 22, 1998, now abandoned. That parent application is incorporated herein by reference in its entirety.--

7. Small Entity Status

- ☐ Applicant claims small entity status.

8. Fee Calculation

- ☒ Regular Application

CLAIMS AS FILED					
NUMBER FILED			NUMBER EXTRA	RATE	BASIC FEE \$770.00
TOTAL CLAIMS	9	-20	0	\$ 18.00	
INDEPENDENT CLAIMS	3	-3	0	\$ 86.00	
MULTIPLE DEPENDENT CLAIMS, if any				\$290.00	
TOTAL					\$770.00
REDUCTION FOR SMALL ENTITY BY 50%					
TOTAL FILING FEE					\$770.00

9. Method of Payment of Fees

- ☐ Check in the amount of [insert CHECK AMOUNT]
- ☒ Charge Account No. 23-1665 in the amount of \$770.00.

10. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees which may be required under 37 CFR §§1.16, 1.17, 1.18, or credit any overpayment to Account No. 23-1665.

11. Correspondence

Please address all correspondence to Customer Number:



27267

PATENT TRADEMARK OFFICE

Date: May 26, 2004

WIGGIN and DANA LLP
One Century Tower
New Haven, CT 06508-1832
Telephone: (203) 498-4385
Facsimile: (203) 782-2889

Respectfully submitted,
David F. Gavin et al.

A handwritten signature in black ink, appearing to read "Dale Lynn Carlson".

Dale Lynn Carlson
Reg. No. 28,784

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